REMARKS

Reconsideration of the instant application is respectfully requested. The present submission is responsive to the Office Action of April 11, 2005, in which claims 1-20 are presently pending. Of those, claims 1, 2, 4, 6, 8, 9, 11, 14, 15, 17 and 19 have been rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent 6,218,730 to Toy, et al. In addition, the remaining claims 3, 5, 7, 10, 12, 13, 16, 18 and 20 have been rejected under 35 U.S.C. §103(a), as being unpatentable over Toy, et al. For the following reasons, however, it is respectfully submitted that the application is in condition for allowance.

Claims 2, 9 and 15 have been amended as indicated above to more particularly point out that the spacer members are also of a generally cylindrical shape. Support for this amendment is found at least at paragraph [0023] of the electronically filed specification, and in Figure 3.

However, with regard to the §102 and §103 rejections of independent claims 1, 8 and 14 (as well as the claims dependent therefrom), the Applicants respectfully traverse the same for the reason that Toy does not teach or suggest "at least one spacer member in contact between said substrate surface and said heat sink..." as claimed in the instant application.

In support of the present rejections, the Examiner has indicated that Toy discloses "...a heat sink 20 in contact with the thermal interface layer 17 and at least one spacer member 47 in contact between said chip module 10 and the heat sink..." However, a review of the Toy reference indicates that element 20 is not a heat sink, but is in fact a lid for environmental protection of the substrate mounted chip." Moreover, the actual heat sink in Figure 1 of Toy is designated by reference numeral 50. (See, for example, column 5, lines 37-44).

Further, the "spacer member" identified by the Examiner in the Toy reference (e.g., 47 of Figure 5) is a sealing ring disposed between the chip substrate 10 and the lid 20. Col. 7, line 58 – Col. 8. line 4. As such, Toy does not disclose that sealing ring 47 is in contact between the substrate and a heat sink. Rather, the heat sink 50 in Toy is shown mounted directly on the lid 20 through a conductive adhesive 51.

Notwithstanding the above, claims 2, 9, and 15 are also separately patentable over Toy, since any "spacer members" arguably taught in Toy are not of a cylindrical configuration. Thus, the rejections to claims 2, 9, and 15 have also been overcome on these additional grounds, and it is respectfully requested that the same be withdrawn.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,
ROGER LAM, ET AL.

CANTOR COLBURN LLP
Applicants' Attorneys

By _____
Sean F. Sullivan
Registration No. 38,328
Customer No. 29371

Date: July 7, 2005
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929